

CIA INTERNAL USE ONLY

63-6105

29 July 1963

MEMORANDUM FOR: Executive Assistant to the Deputy Director

SUBJECT :

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REFERENCE : Memorandum for C/POD/OP fr C/Pers Br/AMTS/OS,
dtd 19 Jul 63, same subject

1. Reference memorandum advised that [] had expressed an interest in Agency employment when he retires circa 1966 and that he had inquired about the conditions under which he might be so employed. Presented below for your information and use is our interpretation of current statutes that appear pertinent to [] inquiry.

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3. The conditions under which [] could be considered for Agency employment on the basis of current laws are contained in Office of Personnel Memorandum No. 20-410-29, dated 26 June 1959. The specific circumstances under which he could be employed would depend upon which of the three categories below would apply in his situation:

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a. If he retires on longevity (which appears to be the case), he may be employed under the provisions of Public Law 82-53, which law authorizes the Agency to employ not more than fifteen regular retired officers. Under Agency application of the Economy Act of 1932 (dual compensation), he must elect to receive either his retired pay or his civilian salary, irrespective of the amount of either.

b. If he retires for a service-connected disability (injury or incapacity incurred in the line of duty except for combat disability), there is no restriction on his being employed. However, under the Economy Act of 1932, his remuneration cannot exceed \$10,000 per year. This means that he could draw only that portion of his retired pay which when added to his civilian salary would total not more than

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\$10,000 per year. If his civilian salary would exceed the latter figure, all of his retired pay would have to be forfeited during the period of employment.

c. If he retires on combat disability, there is no restriction on his being employed and he may retain both his retired pay and his civilian salary.

STAT⁴. [REDACTED] joined the Agency under current statutes, the following civilian retirement and leave computation factors would apply:

a. Military service would not be creditable toward civil service retirement, except as noted in b below.

b. Military service would be creditable, even though he is receiving military retired pay, if the retired pay is based on a combat disability. Military service would also be creditable if he opted to waive his military retired pay.

c. Military service is creditable for the purpose of computing annual leave.

5. It should be noted that legislation (HR 7381) has been introduced in Congress to simplify, modernize, and consolidate the laws relating to the civilian employment of retired members of the military services. The provisions of HR 7381 liberalize the conditions under which retired military officers can be employed as civilians. With regard to salary and retired pay, the bill states that a retired member of a military service can receive his full civilian salary, plus the first \$2,000 of his retired pay and one-half of the remainder of the retired pay, if any.

STAT 6. Regarding [REDACTED] comment that he was of the opinion that with Senate approval he could continue drawing retired pay if he joined the Agency, we have inferred that he may have meant drawing both retired pay and civilian salary. Based on an inquiry made to the Office of the General Counsel, it would appear that there is no situation whereby Senate approval would enable

STAT [REDACTED] to retain both his retired pay and his civilian salary if he became associated with the Agency. (It is possible that [REDACTED] may have been thinking in terms of Presidential appointments requiring Senate approval.)

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[REDACTED]
Chief, Personnel Operations Division

Attachment:
Copy of reference

Distribution: Orig. & 2 - Addressee ✓ 1 - D/Pers
2 - DD/S 1 - C/POD/OP
OP/POD [REDACTED] ahw (29 Jul 63)

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TRANSMITTAL SLIP		<small>DATE</small> 29 July 1963	
TO: 			
<small>ROOM NO.</small> 7 D-6011		<small>BUILDING</small> Hq	
<small>REMARKS:</small> Original routed through General Counsel. <div style="font-size: 2em; margin-left: 100px;">ER</div>			
FROM: Chief, Personnel Operations Division			
<small>ROOM NO.</small> 5 E-67		<small>BUILDING</small> Hq 	
<small>FORM NO.</small> 1 FEB 55 241		<small>REPLACES FORM 36-8 WHICH MAY BE USED.</small> <small>GPO : 1957-O-439445</small> (47)	

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